

MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING

April 18, 1996

Those in attendance were:

Robert Bell, Chair	Andy Bailey
Don Roberts, Member	Richard Sklenar
Joe Hergott, Member	Tom Moser
Don Larson, Member	Don Meisner
Roy Stewart, Member	Bill Head
Glen Kroese, Member	Les Tlustos
Mike Shaughnessy, Member	Steve Chick
Vince Kramper, Member	Ken Noonan
Frank Bartak, Member	Milton Moravek
Wayne Davis, Member	Marlin Petermann
Bob Gifford, Member	Don McCabe
Clifford Welsh, Member	Dayle Williamson, Director
Richard Mercer, Member	Terry Kubicek, Staff
Dale Watermeier, Member	Jim Cook, Staff
Richard Jiskra, Member	Tom Pesek, Staff
Jerry Mathiasen	Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order in Conference Room B in the basement of the Nebraska State Office Building in Lincoln, Nebraska by Commission Chair Robert Bell at approximately 10:00 a.m.

PUBLIC NOTICE

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on April 10, 1996, notifying the public of the meeting.

INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

1. Director's Report.
2. Minutes of the Executive Committee Meeting.
3. Minutes of the Comprehensive Planning Committee Meeting.
4. Minutes of the Legislative & Budget Committee Meeting.
5. Minutes of the Program Committee Meeting.

6. Status of the Small Watersheds Flood Control Fund.
7. Nebraska Resources Development Fund Present Financial Status.
8. Soil and Water Conservation Fund Status Report.
9. NRCS Report to NRC and NARD.

MINUTES

Motion was made by Kramper and seconded by Gifford to approve the minutes of the March 11, 1996 Commission meeting as distributed. Motion carried.

Aye: Jiskra, Watermeier, Mercer, Welsh, Gifford, Davis, Bartak, Kramper, Shaughnessy, Kroese, Stewart, Hergott, Roberts, Bell

Nay: None

Not Present: Nelson, Larson

EXPENDITURES

Motion was made by Kramper and seconded by Mercer to approve the expenditure report for March, 1996, as distributed. Motion carried.

Aye: Watermeier, Mercer, Welsh, Gifford, Davis, Bartak, Kramper, Shaughnessy, Kroese, Stewart, Larson, Hergott, Roberts, Bell

Nay: None

Not Present: Nelson, Larson

DIRECTOR'S REPORT

Dayle Williamson noted that his report had been distributed to Commission members and added that a summary of the newly-enacted Farm Bill was attached to that report.

ADVISOR'S COMMENTS

Steve Chick, NRCS State Conservationist, distributed a report and commented briefly on the new Farm Bill, the CRP program, and the USDA Farm Bill forums that are being held around the country.

Bill Head commented briefly on legislative actions that are being considered on this last day of the 1996 legislative session and responded to questions.

Jerry Mathiasen, NARD Executive Director, reviewed a number of bills that were enacted in this session of the Legislature and which impact NRDs directly. He also noted that a "Roundtable" was being planned for May 1 in Grand Island to discuss, in detail, with NRD representatives, the impacts of the various property tax and related legislation enacted this year. He also noted that a similar forum with regard to LB 108 (the Conjunctive Water Use bill) was also being planned at a later date.

ENVIRONMENTAL TRUST

Vince Kramper noted that 189 applications for approximately twenty million dollars had been received by the Environmental Trust and that the Board would be reviewing and acting upon those in the next several weeks. He added that approximately five million dollars will be available for awards this year.

PLATTE AND REPUBLICAN BASIN ACTIVITY

Jim Cook noted that the Kingsley Relicensing process has been going on for about 12 years and is now in the consultation process and that it is anticipated that a license will be issued in early '97 by the Federal Energy Regulatory Commission (FERC). He added that the Nebraska plan is still being considered by FERC as the preferred plan but there was no guarantee that it will be the program adopted for the new license.

Cook noted that the Memorandum of Agreement process has struggled a great deal over the last several months but that a committee of technical people working on the scoring process has been making some progress and it is hopeful that the momentum of those agreements can be continued.

With regard to instream flows, Cook noted that as has been publicized in the press, a negotiated agreement has been reached and that most of the members of the coalition opposing the Game and Parks Commission instream flow application have agreed to a settlement but the Game & Parks Commission has not yet acted upon the negotiated settlement. He added that there is some considerable opposition being voiced to the Game & Parks Commission regarding that settlement. Richard Mercer commended Jim Cook for his role in facilitating the negotiation meetings and noted that if it had not been for Jim's participation, a negotiated agreement might not have been reached.

Cook noted that in the Nebraska vs. Wyoming Platte River water dispute, some issues have been settled and it is hoped that further progress can be made. He added that Governor Nelson and Governor Geringer of Wyoming have met and are both trying to reach a negotiated settlement.

He added that negotiations with Kansas regarding the Republican River Basin issues are continuing and will likely take some time to resolve the issues involved.

COMPREHENSIVE PLANNING COMMITTEE

Committee Chair, Clifford Welsh, noted that the committee had met yesterday afternoon and had discussed a number of topics but was not recommending any Commission action. He explained that

Mahendra Bansal had briefed the committee on various Data Bank activities, including the DEM/DOQQ process. He added that Jerry Wallin had briefed the committee on the Lower Platte River Reconnaissance Study being conducted by the Corps of Engineers and the Platte River Alliance related to that study. He also noted that Wallin had briefed the committee on the Southeast Nebraska Stream Degradation Study and the Section 22 manual prepared by the Corps of Engineers.

LEGISLATIVE & BUDGET COMMITTEE

Committee Chair, Robert Gifford, reported that Jim Cook had updated the committee on the final actions of the Legislature including LB 108, 1085, 1241, 1375, 1190, 299, 1114, 693, and

LR 292 CA. He also reported that Governor Nelson had vetoed the \$300,000 increased appropriation for the Resources Development Fund for FY 97 as well as the \$20,000 included for FY 1997 for implementation of the required study of NRDs by the Commission. Gifford also reported that there had been some discussion of the need for Commission members to develop a strategy for attempting to increase the appropriation of the Resources Development Fund for upcoming years and that is to be an agenda item for the next Commission meeting.

EXECUTIVE COMMITTEE

Commission Chair, Robert Bell, indicated that the committee had briefly discussed the Commission Organization and Operation policy statement but had not suggested any changes. He added that this item is to be on the agenda for the next Commission meeting. He also noted that Mike Shaughnessy would be attending a Water Law Seminar in June as a representative of the Commission.

Bell reminded Commission members of the work session at the December Commission meeting and added that the Committee asked that the process be restarted at the June Commission meeting in an attempt to carry that process further. Bell explained that there was interest in changing the June Commission meeting date because of the conflict with the regional NACD meeting in Cheyenne, Wyoming. Motion was made by Kramper and seconded by Watermeier to change the June Commission meeting date to June 13 & 14. Motion carried.

Aye: Mercer, Welsh, Gifford, Davis, Bartak, Kramper, Shaughnessy, Kroese, Stewart, Larson, Hergott, Roberts, Jiskra, Watermeier, Bell

Nay: None

Not Present: Nelson

Bell also noted that the budget discussion with regard to the Resources Development Fund would be a part of the June Commission meeting agenda.

PROGRAM COMMITTEE

Kramper noted that Commission members had been briefed extensively on the status of each Resources Development Fund project at the Special Commission meeting on Wednesday. He added that three Commission members (Kramper, Stewart, and Bartak) had visited Pender on Tuesday and been briefed on the proposed Pender flood control project. Motion was made by Kramper and seconded by Davis to adopt the following resolution:

The Nebraska Natural Resources Commission, having reviewed and considered the recommendations of the Director of Natural Resources, hereby makes the following findings of fact:

- (1) The Pender Flood Control Project will be of general public benefit;
- (2) The project plan does not conflict with any existing state land plan;
- (3) The project has been determined to be technically, economically, and financially feasible and environmentally acceptable according to the Resources Development Fund criteria;
- (4) The plan for development is satisfactory;
- (5) The plan minimizes any adverse impacts on the natural environment;
- (6) The Village of Pender is qualified, responsible, and legally capable of carrying out the project;
- (7) Other plans and programs of the state were taken into consideration in preparing the plan of development in accordance with section 84-135, and resources development plans of the political subdivisions of the state were considered;
- (8) The project will not jeopardize the continued existence of any threatened or endangered species or modify or destroy the habitat of any such species; and,
- (9) The project as presented will result in a change to the Village of Pender's existing floodplain and floodway alignment. As a participating community in the National Flood Insurance Program (NFIP), the village is responsible for submitting technical data to the Federal Emergency Management Agency (FEMA) to support these revisions.

and therefore the Commission resolves that:

- (1) The Pender Flood Control Project is eligible for funding from the Nebraska Resources Development Fund; actual funding being subject to the conditions (a) that the money required from the Fund is available and (b) that the priority system for allocating funds is followed.
- (2) The funding, if and when provided, be in the form of a grant for up to \$823,468, not to exceed 60% of the total

local (non-federal) project cost of \$1,372,448.

- (3) The sponsor submit data under FEMA's Conditional Letter of Map Revision (CLOMR) process. The CLOMR request allows FEMA to issue a conditional determination regarding the effects of the proposed levee and assures that the completed project will be in compliance with the minimum floodplain management requirements of the NFIP. It will also allow the village and the state to assure that the completed project will be in compliance with state minimum standards for floodplain management programs.
- (4) The Director of Natural Resources is authorized to negotiate and enter into a contract with the Village of Pender for carrying out the provisions of the project.
- (5) This recommendation is contingent upon the project being authorized and fully funded as a Corps of Engineers' Section 205 project.

Motion carried.

Aye: Welsh, Gifford, Davis, Bartak, Kramper, Shaughnessy, Kroese, Stewart, Larson, Hergott, Roberts, Jiskra, Watermeier, Mercer, Bell

Nay: None

Not Present: Nelson

Kramper explained that the committee had reviewed a letter from the City of Seward indicating their potential interest in requesting funding assistance from the Commission for a proposed nitrate treatment plant for their municipal water supply. He added that the Director will be responding to the letter and keeping the Commission informed of any developments.

Kramper explained that Andy Bailey of the Lower Platte South NRD had reviewed their request for an increased allocation of \$342,506.25 for the Weeping Water Creek Project. Motion was made by Kramper and seconded by Stewart to increase the grant allocation for Component #13 - Construction of Dams 6b, 6g, 7c, and 21a-of the Weeping Water Creek Watershed Project by \$342,506.25 from \$220,358.75 to \$562,865.00 thereby increasing the total project allocation from \$4,485,542.75 to \$4,828,049.00.)

Motion carried.

Aye: Gifford, Davis, Bartak, Kramper, Shaughnessy, Kroese, Stewart, Larson, Hergott, Roberts, Bell, Jiskra, Watermeier, Mercer, Welsh, Bell

Nay: None

Not Present: Nelson

Kramper added that Dick Sklenar of the Papio-Missouri River NRD had explained their requested cost increase for recreation facilities design at Site 21. Motion was made by Kramper and seconded by Larson to increase the grant allocation (for Component #8-Design of Recreation Facilities of the Papio Site 21 Project by \$165,960.92 from \$60,527.25 to \$226,488.17 thereby increasing the total project allocation from \$4,410,177.00

to \$4,576,137.92.

Motion carried.

Aye: Davis, Bartak, Kramper, Shaughnessy, Kroese, Stewart, Larson, Hergott, Roberts, Bell, Jiskra, Watermeier, Mercer, Welsh, Gifford, Bell

Nay: None

Not Present: Nelson

Kramper noted that the next four motions were required to complete the obligation of funds for the Resources Development Fund. Motion was made by Kramper and seconded by Larson to accept the sponsor's project reports for the Chalco Hills Area Recreation Project and the Howells Levee Project, and accept in part the sponsors' reports for the Weeping Water Creek Watershed Project, the Papio Site 21 Project, the Gering Canal Project, the Upper Little Nemaha Watershed Project, and the Pender Flood Control Project. Motion carried.

Aye: Bartak, Kramper, Shaughnessy, Kroese, Stewart, Larson, Hergott, Roberts, Jiskra, Watermeier, Mercer, Welsh, Gifford, Davis, Bell

Nay: None

Not Present: Nelson

Motion was made by Kramper and seconded by Stewart to establish the following separable components.

PROJECT	PROJECT COMPONENT FY 97	REQUEST FOR
Chalco Hills Recreation Area	#10 = Tenth of 10 Annual Payments for Recreation	\$ 94,235.85
	Facility Development	\$ 94,235.85
Weeping Water Creek Watershed	#12 = Land Rights for 7f	\$ 92,475.00
	#13 = Construction of 6b, 6g, 7c and 21a	562,865.00
		\$ 655,340.00
Papio Site 21	#7 = Construction of Dam (Remainder)	\$ 91,783.00
	#8 = Design of Recreation Facilities (Partial)	139,117.31
	#9 = Construction of Recreation Facilities (Partial)	499,954.21
		\$ 730,854.52
Gering Canal & Flood Control	#1 = Construction of Spillway (Partial)	\$ 52,577.60
		\$ 52,577.60
Upper Little Nemaha Watershed	#7 = Construction of Dam 26	\$ 123,825.00
	#8 = Construction of Dams 36, & 59	234,675.00
	#11 = Design of Dams 42, 50, & 63	78,750.00

\$ 437,250.00

Howells Levee #2 = Remainder of Design, \$ 87,040.00
Land Rights Acquisition, -----
and Construction \$ 87,040.00

Pender #1 = Land Easements, Relocation, \$ 50,000.00
and Rights-of-Way (Partial) _____
\$ 50,000.00

TOTAL: \$2,107,297.97

Motion carried.

Aye: Kramper, Shaughnessy, Kroese, Stewart, Larson, Hergott, Roberts, Jiskra, Watermeier, Mercer, Welsh,
Gifford, Davis, Bartak, Bell

Nay: None

Not Present: Nelson

Motion was made by Kramper and seconded by Gifford to adopt the priority lists for FY 1997 funding.

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|----------------------------------|-------------------------|
| PRIORITY LIST #1 | PRIORITY LIST #2 |
| 1. Chalco Hills Recreation Area | 1. Gering Canal |
| 2. Howells Levee | 2. Pender Flood Control |
| 3. Papio Site 21 | |
| 4. Upper Little Nemaha Watershed | |
| 5. Weeping Water Creek Watershed | |

Motion Carried.

Aye: Shaughnessy, Kroese, Stewart, Larson, Hergott, Roberts,
Jiskra, Watermeier, Nelson, Mercer, Welsh, Gifford, Davis,
Bartak, Kramper, Bell

Nay: None

Not Present: Nelson

Motion was made by Kramper and seconded by Davis to obligate
FY 1997 funds as follows:

PROJECT	PROJECT COMPONENT	REQUEST FOR	TOTAL COST
	FY 97		
Chalco Hills Recreation Area	#10-Tenth of 10 Annual Payments for Recreation Facility Development	\$ 94,235.85	\$ 144,978.23
Weeping Water Creek Watershed	#12-Land Rights for 7f #13-Construction of 6b, 6g, 7c and 21a (+ \$342,506.25)	\$ 92,475.00 562,865.00	\$ 123,300.00 750,486.67
Papio Site 21	#7-Construction of Dam (Remainder) #8-Design of Recreation Facilities (Partial) (+ \$165,960.92) #9-Construction of Recreation Facilities (Partial)	\$ 91,783.00 139,117.31 499,954.21	\$ 122,377.33 185,489.75 666,605.61

Gering Canal & #1-Construction of Spillway \$ 52,577.60 \$ 87,629.33
Flood Control (Partial)

Upper Little #7a-Construction of Dam 26 \$ 123,825.00 \$ 165,100.00
Nemaha #8-Construction of \$ 234,675.00 \$ 312,900.00
Watershed Dams 36 & 59
#11-Design of Dams 42, 50, & 63 \$ 78,750.00 \$ 105,000.00

Howells Levee #2-Remainder of Design \$ 87,040.00 \$ 145,066.67
Land Rights Acquisition,
and Construction

Pender #1-Land Easements, Relocation, \$ 50,000.00 \$ 83,333.33
and Rights-of-Way (Partial)

TOTAL: \$2,107,297.97 \$2,892,266.92

Motion carried.

Aye: Kroese, Stewart, Larson, Hergott, Roberts, Jiskra,
Watermeier, Mercer, Welsh, Gifford, Davis, Bartak, Kramper,
Shaughnessy, Bell

Nay: None

Not Present: Nelson

Kramper added that the committee was also provided status reports on the Resources Development Fund, Soil & Water Conservation Fund, and Small Watersheds Flood Control Fund.

NEXT MEETING

The next meeting of the Commission will be June 13 and 14 in Lincoln. Several Commission members indicated the need for a better meeting room so that Commission members and guests could be better accommodated. Dale Watermeier indicated that perhaps the Commission could meet at the Lower Platte South NRD office for their next meeting.

ADJOURNMENT

The meeting was adjourned at approximately 11:25 a.m.

chairman

Director of Natural Resources